

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 4:18-cr-00975-ERW-1  
 )  
 DUSTIN BOONE, )  
 )  
 Defendant. ) November 22, 2021

TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE

## APPEARANCES

**FOR PLAINTIFF:**

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**FOR DEFENDANT:**

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**REPORTED BY:** Laura A. Esposito, RPR, CRR, CRC  
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PRODUCED BY COURT REPORTER COMPUTER-AIDED TRANSCRIPTION

1           *(The following proceedings were held in open court,*  
2           *with the defendant present, commencing at 12:58 p.m.)*

3           **THE COURT:** The rule will be that anyone speaking from  
4 the microphone may remove their masks. And we all should  
5 stay masked up as we are proceeding.

6           Calling the case, *United States of America vs.*  
7 *Mr. Dustin Boone.* The number is 4:18-cr-00975-ERW. Is the  
8 United States ready?

9           **MS. COSTANTIN:** Yes, Your Honor.

10          **THE COURT:** Is defendant ready?

11          **MR. KUEHN:** Yes, Your Honor.

12          **THE COURT:** Very well. Thank you.

13           I would like to announce what I believe will be the  
14 procedure that we will be following today at this hearing.

15           After a brief bench conference I will be making  
16 calculations under the United States Sentencing Guidelines,  
17 first considering objections to paragraphs 13 and 27 of the  
18 presentence report. The United States Sentencing  
19 Guidelines, the Reform Act of 1984, put them in place. I  
20 will be making calculations under the guidelines as  
21 mentioned. I will be applying them in an advisory and not  
22 in a mandatory manner. I will enable -- strike that.

23           I will consider the impact of all the letters that I  
24 have received on each side. I will hear evidence that the  
25 United States or the defendant will present. I'll hear

1 statements of counsel and of Mr. Boone if Mr. Boone cares to  
2 speak.

3 I will then decide if there should be any departure  
4 under the guidelines. I'll consider all of the factors set  
5 forth in 18 United States Code 3553(a) to decide the nature  
6 and scope of the sentence. I must impose a sentence that is  
7 sufficient but not greater than necessary to comply with all  
8 of the provisions of 18 United States Code 3553(a). Those  
9 include consideration of the circumstances of the case and  
10 the history and characteristics of the defendant. The  
11 sentence imposed must reflect the seriousness of the  
12 offense, promote respect for the law, and provide just  
13 punishment for the offense. It must afford adequate  
14 deterrence to criminal conduct and it must protect the  
15 public from further crimes the defendant might commit in the  
16 future. It needs to provide him with needed educational,  
17 vocational training, medical care, and other correctional  
18 treatment in the most effective manner. I will consider all  
19 kinds of sentences available and the need to avoid  
20 sentencing disparity among similarly situated defendants  
21 facing similarly situated offenses.

22 We shall now have the brief bench conference at this  
23 time.

24 ***(Pursuant to Local Rule 13.05, a bench conference was***  
25 ***held on the record and placed under seal, after which***

1                   ***the following proceedings continued in open court:)***

2                   ***THE COURT:*** I want now to turn to the United States  
3 Sentencing Guidelines. There are objections to the  
4 guidelines in two respects. The first is under  
5 paragraph 13. Defendant objects to the statement:

6                   "Despite having no problem probable cause  
7 to arrest L.H., and believing that L.H. was a  
8 protester, Bailey Colletta ordered L.H. to the  
9 ground."

10                  The defendant argues that the evidence presented at  
11 trial established that there was probable cause to arrest  
12 L.H. Specifically, defendant contends that the dispersal  
13 order was given and a failure to comply with a dispersal  
14 order would subject someone to arrest.

15                  It is the position of the -- well, I'll disregard that  
16 position of the probation office.

17                  I'll hear your objection at this time.

18                  ***MR. WILLIAMS:*** Thank you, Your Honor.

19                  And the Court has summarized the objection, and the  
20 only thing I would add -- and this comes directly from our  
21 papers: First of all, there are two points in time where  
22 you can hear on the tape that the dispersal order has been  
23 given. I believe the government has acknowledged this and  
24 that their position is that L.H. was moving around the  
25 library and then stopped for a short period of time. And

1 while -- you know, what's a "short period of time"? That's  
2 certainly a judgment call. You know, by some people's  
3 calculation, that would be a short period of time.

4 The fact is, they were in the area for over three  
5 minutes after the dispersal order can be heard on the tape.  
6 L.H. was standing in an area. Everyone knows where he was.  
7 He was standing there. And at that point in time the  
8 dispersal order had been given for quite sometime. Whether  
9 it's too short of a time, I suppose that's a judgment call  
10 for the Court, but the reality is, he's standing there well  
11 after a dispersal order had been given, and it was  
12 uncontested that that is a basis for an arrest.

13 The other thing I would add, in response to the  
14 government's response to this objection, which does not have  
15 an impact on the guidelines, but we do object to it being in  
16 the presentence report, is any agreement that the government  
17 had with Bailey Colletta about what happened doesn't govern  
18 what the Court's decision is with respect to this case.  
19 They agreed there was no probable cause, but we don't agree  
20 with their agreement, especially after looking at the  
21 transcript of the trial, seeing what the uncontested  
22 evidence was.

23 Thank you, Judge.

24 **THE COURT:** Thank you. Response?

25 **MS. COSTANTIN:** Well, first of all, to respond to the

1 objection, the first sentence that is specifically objected  
2 to, and that's the only sentence that's objected to, is,  
3 "Despite having no probable cause to arrest L.H., and  
4 believing that L.H. was a protester, Bailey Colletta ordered  
5 L.H. to the ground."

6 The fact that Bailey Colletta, in her plea, admits  
7 that there was no probable cause when she made those  
8 statements ordering Detective Hall to the ground is  
9 dispositive of this issue.

10 In addition, I would say that this Court has seen that  
11 video, the cell phone video, and when the first dispersal  
12 order is heard on the cell phone video, Detective Hall is at  
13 Locust and 13th Street. On the video you can see he and  
14 other people around him immediately begin to run. You can  
15 see the motion of the phone, you can see other people  
16 running, and he is running north along the east side of the  
17 library. He is, in fact, dispersing.

18 When they get to the north side of the library he then  
19 begins to run west. At that point he then turns down south  
20 and is coming down the library steps when the second  
21 dispersal order can be heard, the one about the munitions.  
22 At that point he is literally coming down the steps, and he  
23 turns and goes west. All of these are dispersing -- in all  
24 the situations he's dispersing away from the order, so he  
25 is, in fact, dispersing.

1           When that last dispersal order is heard on the cell  
2 phone video, he begins to go west. He is assaulted six  
3 seconds after at that dispersal order can be heard, and he  
4 pauses for a moment, as you can see, when he is confronted  
5 by the officers, and that's when the assault begins. So to  
6 say that there's probable cause to arrest him for failing to  
7 disperse ignores the video that itself shows that he was  
8 dispersing.

9           Thank you, Judge.

10          **THE COURT:** All right. Thank you. Response?

11          **MR. WILLIAMS:** Judge, only that Bailey Colletta's  
12 subjective beliefs have nothing to do with probable cause.  
13 Probable cause is an objective determination, so, again,  
14 what she agreed to with the government has no bearing on the  
15 determination.

16          Thank you, Judge.

17          **THE COURT:** All right. The second objection is to  
18 paragraph 27. Defendant objects to the seven-level  
19 enhancement pursuant to United States Sentencing Guidelines  
20 Section 2A.2 -- strike that -- 2A2.2(b)(3)(C) for victim  
21 suffered permanent or life-threatening bodily injuries.

22          Defendant does not contest the fact that L.H. suffered  
23 serious injuries but suggests that there's a reason why they  
24 are more appropriately identified as serious bodily injuries  
25 and, therefore, a five-level enhancement under Guideline

1 2A2.2(b)(3)(C) is appropriate.

2 So I'll hear you at this time, Counsel.

3 **MR. WILLIAMS:** Yes, Your Honor. And we recognize that  
4 the cases from other circuits in particular are not helpful  
5 to our position in this regard, but we believe that those  
6 cases, A, are not precisely on point and are not persuasive  
7 as it relates to the difference between permanent bodily  
8 injury, which has to be a substantial impairment. Again,  
9 that's a judgment call.

10 We recognize that the physician who testified in this  
11 case testified about there being a loss of range of motion,  
12 and so there is also evidence of permanent impairment.  
13 There's no doubt about that. The question is: Does this  
14 represent substantial impairment under that guideline?

15 We acknowledge that this meets the criteria for  
16 serious bodily injury, which is defined as "injury involving  
17 extreme physical pain or protracted impairment of function  
18 of a bodily member, organ, or mental faculty."

19 The physician who testified did not testify that this  
20 was permanent in terms of what the impairment was.  
21 Certainly it might be, but he didn't testify that way. He  
22 doesn't have complete impairment. It's serious, there's no  
23 doubt about it. This encompasses serious physical pain and  
24 it also specifically addresses issues of surgery.

25 The one Eighth Circuit case that was cited to deals



1 with a scar from a bullet. This is -- that's disfigurement.  
2 And we're not arguing that there's dis -- we're arguing  
3 there's no disfigurement. A scar from a surgery is always  
4 going to be there. Lasting effects from scar tissue from a  
5 surgery are always going to be there, which is why we  
6 believe that that is the appropriate guideline range.

7 Thank you, Your Honor.

8 **THE COURT:** Thank you. Ms. Costantin?

9 **MS. COSTANTIN:** Yes, Your Honor.

10 In order to show permanent or life-threatening bodily  
11 injury there has to be a finding that there was a loss or  
12 substantial impairment of function of bodily member, organ,  
13 or mental faculty that is likely to be permanent or obvious  
14 disfigurement that is likely to be permanent.

15 The doctor testified, who replaced two discs and fused  
16 the neck of Detective Hall, that Detective Hall had lost 16  
17 to 20 degrees of movement in his neck and was still in pain.  
18 There was no indication that that was not permanent. I mean  
19 that's -- he indicated that it was, in fact, going to get  
20 worse because there was a three-and-a-half -- two-and-a-half  
21 to 3 percent chance of increasing likelihood of surgery  
22 every year. So over a ten-year period there's going to be a  
23 30 percent chance that he's going to need more surgery.

24 So he clearly has substantial impairment of function  
25 of his neck and he's likely to have more surgeries, and that

1 would indicate that -- the cases that I cite talk exactly  
2 about that, about where there's a 15 to 25 percent loss of  
3 function in a thumb -- not a neck, but in a left thumb --  
4 that that is sufficient for permanent -- to find permanent  
5 injury.

6 Thank you, Judge.

7 **THE COURT:** Thank you. Response?

8 **MR. WILLIAMS:** One point, Judge.

9 The doctor did not testify that that three-and-a-half  
10 percent was cumulative and that it increased every year. He  
11 said it was an increased percentage of two to  
12 three-and-a-half percent each year, meaning he's got that  
13 much more percentage of a chance than someone else of having  
14 to have a new surgery, not that it increased. I read the  
15 testimony. He didn't say that. And, at best, it's  
16 ambiguous if that's how it's being interpreted by the  
17 government. I don't read it that way.

18 Thank you, Judge.

19 **THE COURT:** All right. Anything else?

20 **MS. COSTANTIN:** No, Your Honor.

21 **THE COURT:** All right. The objections are noted on  
22 the record and will at this time be overruled.

23 The 2018 version of the guideline manual was used to  
24 make calculations under the guidelines. Under Count 1,  
25 aiding and abetting the deprivation of rights under color of

1 law resulting in bodily injury and use of a dangerous  
2 weapon, basically the guideline for violation of 18 United  
3 States Code, Section 242, is guideline 2H1.1, civil rights  
4 violation. Pursuant to Guideline 2H1.1(a)(1), 2A2.2,  
5 aggravated assault, is referenced when determining the  
6 offense level. Ultimately the base offense level is 24.

7 Specifically, under Guideline 2A2.2(a), the base  
8 offense level is 14, and the following enhancements apply:  
9 Four levels pursuant to 2A2.2(b)(2)(B) because a dangerous  
10 weapon, riot baton, was used, and seven levels pursuant to  
11 2A2.2(b)(3)(C) because the victim suffered permanent or  
12 life-threatening bodily injuries. However, the cumulative  
13 adjustment from application of this -- of subsection -- or  
14 subdivisions (2) and (3) shall not exceed ten levels. Under  
15 2H1.1(a)(1) and 2A2.2(a), the base offense level is 24.

16 Six levels are added because the offense was committed  
17 under color of law. A six-level enhancement is applicable  
18 under 2H1.1(b)(1).

19 Two levels are added. The victim was physically  
20 restrained during the illegal arrest. Specifically, while  
21 L.H. was on the ground, Hays repeatedly hit L.H. with a riot  
22 stick and Steven Korte kicked L.H. with his boot. Boone  
23 held L.H. to the ground while Hays hit L.H. with his stick.

24 I do not recall that evidence at all. I think this is  
25 a misstatement that Mr. Boone held him to the ground while

1 he was struck. I did not see that happening at all, so that  
2 will be removed from the conclusions.

3 Two levels are added under 3A1.3, but specifically the  
4 reference, "Boone held L.H. on the ground while Hays hit  
5 him" -- "hit L.H. with a riot stick" is an inaccurate  
6 statement of the evidence that I saw. The adjusted offense  
7 level is 32, and the total offense level is 32.

8 The criminal history category is 1, and the Sentencing  
9 Guideline range is from 121 to 151 months. The maximum term  
10 of imprisonment is ten years, so the effective range is 120  
11 months.

12 Will there be evidence presented by the United States?

13 **MS. COSTANTIN:** Your Honor, there will be no evidence  
14 by the government, but Detective Hall would like to make a  
15 victim impact statement. If this is the time, he'd like to  
16 do that.

17 **THE COURT:** At this time I would also ask counsel to  
18 come up and discuss the other matter we briefly discussed at  
19 the bench concerning the letters.

20 **MR. KUEHN:** Once again, would you like our client to  
21 approach?

22 **THE COURT:** Sure.

23 \* \* \* \*

24 **(Discussion held at sidebar between the Court and**  
25 **counsel as follows:)**

1           **THE COURT:** Earlier mention was made that there were  
2 some letters supplied by the Court. Actually, Mr. Hall's  
3 counsel delivered letters to chambers, and I ordered they be  
4 filed, and that's how that came about.

5           **MS. COSTANTIN:** We received two more this morning.

6           **THE COURT:** Yes, and I -- [inaudible].

7           **COURT REPORTER:** I'm sorry, I'm having a hard time  
8 hearing.

9           **MR. WILLIAMS:** So, Your Honor --

10          **THE COURT:** Okay. Wait just a second. I don't think  
11 she heard.

12          **MS. COSTANTIN:** I was just saying, we received two  
13 more letters this morning from Detective Hall's lawyer, and  
14 I sent them to Mr. Williams and also sent -- had my legal  
15 assistant bring them up.

16          **THE COURT:** Okay.

17          **MR. WILLIAMS:** So, Your Honor, our objection in  
18 reading these letters -- which we first received the first  
19 batch on Friday. We recognize that, under 18 United States  
20 Code, Section 3661, there are very few limitations on what  
21 the Court can consider, but what the -- when it says "no  
22 limitations," it's concerning the background, character, and  
23 conduct of the defendant, so -- and, arguably, that would  
24 include the effect this would have on Mr. Hall. And we  
25 acknowledge that. And certainly there are portions of these

1 letters that relate directly to that. Our concern is  
2 with -- there's -- in some of these letters entirely, but in  
3 almost every letter there is quite a bit of opinion  
4 regarding what his sentence should be and how horrible what  
5 he did was, and it's no different -- I should -- let me  
6 revise that.

7 These are all friends of Mr. Hall, but it's only one  
8 step away from the general public coming in and opining as  
9 to what a particular sentence should be, how bad the conduct  
10 is, what their opinions as to the effect on the general  
11 public. And the argue is, these things are inappropriate  
12 and would be a due process violation to consider those  
13 opinions just for the same reason that those people with  
14 those biases would not be allowed to sit on a jury and we  
15 don't invite the public to come in and do a sentence by  
16 public opinion.

17 That's essentially my objection, Judge.

18 **THE COURT:** Okay.

19 **MS. COSTANTIN:** Judge --

20 **THE COURT:** Come a little closer. I don't think she's  
21 going to hear you.

22 **MS. COSTANTIN:** Judge, I would simply say that, not  
23 only that statute, but there's also case law I sent to  
24 Mr. Williams Friday when he raised this, that the Court can  
25 consider literally any evidence and give it whatever weight

1 it wishes to give it. And that would be my response.

2 **THE COURT:** Yeah.

3 **MR. WILLIAMS:** Well, just -- those cases deal with --  
4 primarily, Judge, we're talking about acquitted conduct, so  
5 those things -- that's evidence of a person's character.  
6 These are just -- what we're talking about is these letters  
7 are rife with simply opinions about what should be done.

8 **THE COURT:** Yeah, I know that's true. What I have  
9 done is put the letters -- sort of -- give them to the  
10 government. The next letter I read is from the -- on behalf  
11 of Mr. Hall. And I'm going to read a lot of that in there  
12 just for public. There's a lot of anger associated with  
13 this case, and the intention is to talk about it on the  
14 record because it has some bearing on what I eventually  
15 intend to do in this case, so that's the reason I'm going to  
16 allow it.

17 **MR. KUEHN:** One thing while we're here. So I  
18 understand that Detective Hall's going to give an allocution  
19 before the government speaks, and I know Mr. Boone wants to  
20 speak, to address the Court. Would you prefer him to do  
21 that before I make my sentencing remarks or after?

22 **THE COURT:** Before.

23 **MR. KUEHN:** Thank you, Your Honor.

24 **THE COURT:** What we will do -- just a second. Let me  
25 get my notes here.

1           So everybody's informed, what I will do, I will ask,  
2       "Will there be any evidence by the United States?" And  
3       we'll hear Mr. Hall. And then, "Will there be evidence by  
4       the defendant?" And that would be the appropriate time for  
5       Mr. Boone to speak. And then I'll after that we'll hear  
6       from respective counsel, and I'll hear from Mr. Boone. When  
7       would you prefer Mr. Boone to speak, after --

8           **MR. KUEHN:** [Inaudible.]

9           **COURT REPORTER:** I can't hear you.

10          **MR. KUEHN:** I'm sorry. I'll be happy, Your Honor, to  
11       have Mr. Boone speak to the Court before I address the  
12       Court. Thank you.

13          **MR. WILLIAMS:** Thank you, Judge.

14          *(End of discussion at sidebar.)*

15                               \*   \*   \*   \*

16          **THE COURT:** Ms. Costantin.

17          *(Luther Hall approaches the podium to address the*  
18       *Court.)*

19          **MR. HALL:** Thanks, Judge.

20          **THE COURT:** Yes. Good afternoon.

21          **MR. HALL:** I'd like to thank you for giving me this  
22       opportunity to address the Court.

23          **THE COURT:** Would you please state your full name  
24       first.

25          **MR. HALL:** Luther Hall, Jr.



1           On September 17th, my life as I knew it changed. My  
2 22-year career with the SLMPD, so-called friendships, and so  
3 much more changed. I endured multiple surgeries and  
4 procedures to relieve the pain I feel every day, but I'm  
5 still in pain. There's no surgery that can fix the  
6 psychological impact of being beaten by my fellow officers.

7           My diagnoses are depression, anxiety, and  
8 post-traumatic stress. Daily I take oxycodone for the  
9 physical pain and Xanax for the depression and anxiety, and  
10 I still have weekly appointments to improve my mental  
11 health, all because of the actions of the defendant.

12           People tell me it will get better, and I hope they are  
13 right, but more than four years have passed and I'm still in  
14 physical pain. I'm still hypervigilant, afraid of what  
15 might trigger my flight or fight reflexes. I'm still  
16 anxious and still depressed.

17           Defendant Hays, you sentenced to 52 months.  
18 Defendant Boone will get out after whatever time you  
19 sentence him, but my life is forever changed. It will never  
20 be normal. I don't get to put this behind me because the  
21 pain reminds me every day that my fellow officers -- or what  
22 my fellow officers did to me.

23           After the last two sentencings I don't feel what I and  
24 my family and my friends had to endure for the last  
25 four-plus years really mattered in your decision-making. In

1 an article published on the Crime Report website in 2018,  
2 you stated you have a burning desire to make life better for  
3 the people in the inner city. St. Louis again can be great.  
4 It's not great now. It's divided. Seriously racially  
5 divided city.

6 Because of the sentences you handed down this summer  
7 to defendants Colletta and Hays, you've increased that  
8 racial divide in the city. Your Honor, you showed  
9 Defendants Colletta and Hays mercy, praised them for their  
10 accomplishments, and gave them lenient sentences. By doing  
11 this, you have not only increased the divide in the city but  
12 reinforced the belief that white defendants, especially  
13 white police officers, are given preferential treatment;  
14 that white police officers who assault, mistreat, and  
15 violate the civil rights of African-American protesters,  
16 citizens, and even law enforcement officers are never fully  
17 held responsible for their actions. The defendants were  
18 coddled and showed favoritism.

19 And in rare cases like this one, when white defendants  
20 are found guilty or plea, they're often given lighter  
21 sentences. The defendants are normally treated with  
22 leniency that's not shown to African-American defendants. I  
23 can say this: My family, close friends, and the  
24 African-American community who followed this case from the  
25 beginning in no way believe your sentences for defendants

1 Hays and Colletta in any way were beneficial to the  
2 community. One of my friends spent several years working  
3 and serving for the better family life, and I can tell you  
4 that he was disappointed with the sentences you handed down  
5 to Colletta and Hays. The sentences you handed down were  
6 much lighter than some black police officers that were  
7 charged with lesser crimes in which victims were not  
8 assaulted, not injured, not seriously injured, and civil  
9 rights were not violated.

10 In your interview you also stated that 5 percent of  
11 the population will never be helped, that they need prison,  
12 and that they're going to hurt someone if here out there.  
13 The officers that assaulted me on September 17th, 2017, are  
14 part of that 5 percent.

15 Defendant Boone has shown he is in part -- he is part  
16 of that 5 percent by his words and action. He is, in  
17 part -- he is part of that 5 percent who enjoy hurting  
18 people. He bragged about hurting others besides me. He  
19 told like-minded officers that beating the hell out of  
20 shithheads like me was going to be a lot of fun.

21 Like Hays and Meyers, he expressed his excitement and  
22 he was elated to confront protesters and inflict harm on  
23 them. He now claims he was just doing his job, and when he  
24 held me down while other officers beat me -- but in his own  
25 words and actions he showed that this was true.

1           He even shared the fun of beating up protesters with  
2 his girlfriend, FaceTiming what he did to me. He considered  
3 what he did to me entertainment until he found out that I  
4 was a police officer and that he might be held accountable.  
5 Defendant Boone is worse -- is the worst of the 5 percent  
6 who are going to hurt people if they're out. He used his  
7 authority of his badge to harrass, target, and assault  
8 people of color, and enjoyed doing so. He is a predator.

9           Defendant Boone exchanged vile, foul, and racist text  
10 messages with his father, mother, sister, wife, coworkers,  
11 and the mayor of Bonne Terre, Missouri. He and others who  
12 share his sentiments ask you to believe that the text  
13 messages are not the real Boone, but they are. He sent  
14 those text messages to his family and friends, people who he  
15 trusted, people who he shared his sentiments. These text  
16 messages show a pattern of blatant racism by Defendant Boone  
17 and a disdain for the African-American community.

18           Judge, in your 2018 article you stated that you  
19 believe the spirit can be revived and St. Louis again can be  
20 a great city, that you believe everyone can have a better  
21 life and that the city is still divided.

22           I would say to you, for the citizens of the city, and  
23 especially the African-American community, you handing down  
24 the recommended sentence by the U.S. Attorney's Office to  
25 Defendant Boone will send a strong message to the law

1 enforcement community and the citizens of St. Louis.

2 Defendant Boone also stated to you that there's a  
3 culture of excessive force within the St. Louis Police  
4 Department. The culture persists because officers who use  
5 excessive force are not held accountable. Your sentence  
6 will send a message about whether those officers who hold  
7 positions of trust, authority, and power can abuse that  
8 trust, authority, and power. Police officers must be held  
9 to a higher standard or the culture of excessive violence  
10 will continue.

11 And the people of St. Louis, especially those of  
12 color, who know when they break the law they will not be  
13 shown mercy, must know that white police officers or law  
14 enforcement officers who break the law will not only be  
15 charged, they will be tried, convicted, and not receive  
16 special treatment.

17 Your Honor, I implore that Defendant Boone, who  
18 participated in the brutal assault on me on September 17th,  
19 2017, be held accountable and that you take the sentencing  
20 recommendations of the AUSA.

21 Thank you.

22 **THE COURT:** Thank you, Mr. Hall.

23 Will there be evidence by the United States -- by the  
24 defendant? I'm sorry.

25 **MR. KUEHN:** Your Honor, we've attached 22 exhibits to

1 our sentencing memorandum.

2 **THE COURT:** Yes.

3 **MR. KUEHN:** In addition to those exhibits, the only  
4 thing we would like to present to the Court is an allocution  
5 by Mr. Boone.

6 **THE COURT:** Yes. At this time, Mr. Boone, come  
7 forward.

8 *(Dustin Boone approaches the podium to address the*  
9 *Court.)*

10 **MR. BOONE:** Thank you, sir. Thank you for your time  
11 today.

12 **THE COURT:** Sure.

13 **MR. BOONE:** I'd like to start by acknowledging why  
14 we're here and tell Luther, I'm sorry for what happened to  
15 you. Sorry for what happened to you on the night of  
16 September 17th, 2017.

17 While the prosecution has proclaimed my apology to you  
18 as not being genuine and me being uncooperative, all I can  
19 say is the message was and still is 100 percent heartfelt.

20 I also completely understand why you have doubts  
21 regarding that authenticity after seeing my text messages,  
22 the context of which were bias, racially charged, extremely  
23 careless, arrogant, and downright mean. I will be  
24 embarrassed and apologize for those messages for rest of my  
25 life.

1           The embarrassment this caused me is well-deserved, I  
2 would say, but the embarrassment to my family and loved  
3 ones, seeing what they've had to endure because of me is  
4 hard to live with and something I think about daily.

5           The words on my phone were a disgusting illustration  
6 of my disregard for other people's feelings, partly due to  
7 the fact that I never had one single instance in my life  
8 where words come with consequences. To me, before this  
9 event, words were just a way for me to say outlandish  
10 nonsense to get a reaction or to overinflate or embellish  
11 things. Not one person I was close to was ever affected by  
12 the words I spoke or wrote, so I thought -- or, so I  
13 thought.

14           When these texts surfaced, it made me realize how the  
15 power -- I'm sorry -- made me realize the power they have,  
16 how they actually do hurt people, how they can be portrayed  
17 and spun, how they can be read at face value with no spin  
18 needed. This process has taught me there's great  
19 consequence to words. It's humbled me, caused me to  
20 apologize more than I would have ever previously believed.  
21 Caused me to look dear friends, coworkers, acquaintances in  
22 the eye, and with no excuse or explanation available to me,  
23 and just say, "I'm so sorry you had to read those words.  
24 Please forgive me." Most have, thankfully. Some never  
25 will, and I understand their stance on that.

1           Never will I claim I didn't know that it was wrong.  
2           I'm not going to insult anyone here by making that  
3           statement. I'm simply saying, the words do not have the  
4           meaning behind it that it has to the people on the receiving  
5           end of it each time it's uttered and texted.

6           I would also like to say the use of these words, my  
7           ignorant, irresponsible, and careless speech, is not a  
8           product of my upbringing. Almost every single member of my  
9           family has come under fire during this time. Certainly I  
10          have feelings about these tactics but also recognize it  
11          stems from me and it is my fault. My family's filled with  
12          great people, no matter how much their character is  
13          continuously defamed by this prosecution. They are my main  
14          support system and I will stand by them as they have stood  
15          by me forever. They do not deserve what they've gone  
16          through because of me, and I'm relieved another aspect of  
17          this is coming to an end for them today.

18          To my entire family: As I've told you countless  
19          times, I'm so sorry for what I've caused you to go through.  
20          We'll make it through this like we've made it through  
21          everything else life has thrown at us, and we'll be stronger  
22          and we will be better.

23          I have lessons to learn. I have to change my  
24          attitude, my disregard for the feelings of others, my  
25          carelessness with words. But there are lessons I have



1 learned. This did not come into my life a short time ago.  
2 It's been a three-year hell in which I've had nothing but  
3 time to self-reflect, learn, grow, address some of the  
4 shortcomings in my personality. I plan to continue and grow  
5 as a man.

6 Your Honor, and Luther, people can change their ways,  
7 even people you view as ignorant and as mean, as you've  
8 probably viewed me. It's very difficult to hear the things  
9 said about me and my family. It's opened my eyes. I hope  
10 you believe me when I tell you the words produced in this  
11 case from my phone do not tell the entire story of  
12 Dustin Boone. I believe I am and have been a good person in  
13 life. This made me realize some changes had to be made.  
14 I've improved as a person throughout this process, and  
15 admittedly, I have more areas I can still improve on.

16 My life's future is in your hands now, sir. I ask you  
17 show me some compassion and hand me a sentence in which my  
18 two girls and I can keep our family together intact again.

19 Thank you for your time.

20 **THE COURT:** Thank you, sir.

21 **MR. KUEHN:** Thank you, Your Honor.

22 **THE COURT:** I will now hear from Ms. Costantin.

23 **MS. COSTANTIN:** Thank you, Your Honor.

24 Judge, as I said in my sentencing memorandum, I'm  
25 asking the Court to sentence the defendant to the 120-month

1 sentence of the advisory guideline range. And I'm not going  
2 to rehash my entire sentencing memorandum but I just want to  
3 talk about some important points.

4 First of all, the defendant's intent, and the intent  
5 we know from the text messages on his phone, before the  
6 assault occurred he thought -- he texted that his role on  
7 CDT was to just F people up when they don't act right.

8 Another quote is, "It's going to be fun beating the  
9 hell out of these shithheads once the sun goes down and  
10 nobody can tell us apart."

11 And it's -- another quote is, "It's F'g awesome.  
12 People on the streets get F'd up. LOL."

13 So we know what his intent was before the assault.  
14 And then during the assault he is actually FaceTiming his  
15 then girlfriend. He has his phone in the front of his CDT  
16 equipment and he's FaceTiming -- that is, he is streaming --  
17 what he is doing to his girlfriend. He's totally showing  
18 off for her, and that's what this portion is about is him  
19 showing off for her, showing how tough he is, showing what  
20 he's going to do to this protester who turns out to be  
21 Detective Hall.

22 It's the next day when he learns that the victim is  
23 Detective Hall, is a police officer, he texted his  
24 girlfriend, "Nothing about that story to anyone. Not  
25 entertaining at all at this point."

1 And that is the point, is that this was entertaining  
2 to him. Beating up protesters was entertaining. That was  
3 his intent was to beat up protesters, and that's what he  
4 participates in when he -- when Detective Hall is assaulted.

5 Those texts also show four other assaults he  
6 participated in. On April 19th of 2017, he texted other  
7 officers that he tased a motor vehicle theft suspect and,  
8 "caught him in some thick overgrow in a side vacate lot.  
9 There was nobody around except me, Shaw" -- referring to  
10 Officer Shaw -- "shithead and God. He's in the hospital  
11 now, poor guy."

12 Defendant Boone also texted, "Ha-ha-ha. We made him  
13 tell the other officers on scene that he is a pussy.  
14 Ha-ha-ha. He was puking on himself while EMS was looking at  
15 him, and saying, 'I'm a pussy, I'm a pussy,' and crying."

16 And then these are the words of the defendant: "It  
17 was the greatest moment of my short career. LOL."

18 And that is evidence that was heard in Court that was  
19 admitted into evidence. That's one of the assaults that  
20 he's done.

21 And I'm talking about, not including the one where he  
22 participates in the assault of Detective Hall. After the  
23 assault on Detective Hall, in October of 2017, October 12th,  
24 he texts another officer that he's open hand slapped him --  
25 referring to a suspect. "One time down there when Santa" --

1 meaning Officer Santa -- "and I were doing shit with mobile  
2 reserve. He is an ignorant MF. We didn't arrest him but he  
3 got his eyes widened a little with the slap from a white  
4 boy." So that's a second assault that he's participated in.

5 On November 7th of 2017, he texted -- the defendant  
6 texted another police officer: "Yep, motherfuckers, dude  
7 got caught in a dead-end gangway, though he was crying and  
8 bloody for making me run that far." So that is another  
9 assault that he's participated in.

10 Last one he talks about in text is March 28th of 2018  
11 when he arrested a juvenile, and the defendant officer  
12 texted him and says, "I hope you beat that kid's ass."

13 And the Defendant Boone's response was: "We didn't  
14 take him to Children's Hospital for nothing. LOL. There  
15 are so many damn RTCC cameras" -- and we know, Judge, from  
16 trial, that means Real Time Crime Center cameras -- "in the  
17 5th" -- referring to the 5th District -- "I had to literally  
18 drag him behind a privacy fence to avoid one. Can't believe  
19 how inconvenient they have made things."

20 So when you're looking at the defendant and sentencing  
21 the defendant, you are to consider his history and  
22 characteristics. And his history can be his criminal  
23 history, what he's been convicted of, but it also is his  
24 history of assaulting other suspects, because that's all  
25 Detective Hall was to him, he was just somebody else that he

1 could assault, that he could send a video of the assault to  
2 his girlfriend while he was doing it, and then boast about  
3 these actions afterwards.

4 The vast majority of police officers perform their  
5 duties responsibly and conscientiously. The defendant did  
6 not. He used his position as a police officer to assault  
7 suspects. He abused the trust that we put in police  
8 officers and then he boasted about it. A stiff prison  
9 sentence is necessary to show the community that this  
10 conduct is not to be tolerated, and send a message to those  
11 police officers who do abuse the discretion and the power  
12 that we give them.

13 In summary, Judge, I would say the defendant said he  
14 was going to have fun beating protesters, he participated in  
15 the assault of Detective Hall, he boasted about beating  
16 protesters and other suspects both before or after  
17 Detective Hall was assaulted, and that's why I'm requesting  
18 a guideline sentence of 120 months.

19 **THE COURT:** Whenever you're ready, Counsel.

20 **MR. KUEHN:** Thank you, Your Honor.

21 Your Honor, good afternoon. I know this is an  
22 important case, Judge, and I know that a lot of people are  
23 watching. And to a lot of the observers Dustin Boone, who  
24 is the only defendant convicted at either of these trials,  
25 represents every police officer who huddled around 14th and

1 Olive and assaulted Detective Hall, kicking him, punching  
2 him, clubbing him with riot batons. But the fact is,  
3 Judge -- and I think this portion of the evidence is pretty  
4 much beyond dispute: Detective Boone personally, or  
5 Officer Boone -- now Mr. Boone -- did none of those things.  
6 There are certain incontrovertible facts in this case, facts  
7 that are supported by photographic evidence that I believe,  
8 Your Honor, are very central to deciding Mr. Boone's fate.

9 And I want to begin my commentary just as 3553(a)  
10 does, by an examination of the nature and circumstances of  
11 the offense and some of these incontrovertible facts.

12 One is, Judge: This was not an escalating situation.  
13 We're not dealing with a situation where there is an arrest  
14 and during the course of the arrest it gets -- begins to  
15 escalate and eventually it turns to excessive force.  
16 Basically what we know from Detective Hall's video, his  
17 phone video, and from the other photographic evidence is  
18 that Detective Hall was ordered to the ground, and before he  
19 could even make it to the ground this assault begins. He is  
20 slammed to the ground, he's hit with riot sticks, he's  
21 kicked in the face, he's hit repeatedly. And we watch the  
22 seconds tick by on the video. And I've got to tell you,  
23 Judge, they tick by slow when you're listening to an  
24 assault. I can't imagine how slowly they ticked by for  
25 Detective Hall.

1 But we sync these with the FBI enhanced pictures of  
2 where Dustin Boone is during the course of this assault, and  
3 as it begins and as he's slammed down and as he's hit with  
4 riot batons, and like the government's counsel said it at  
5 Mr. Hays' sentencing, you can see in the photographs the  
6 riot baton being used against Detective Hall. And you can  
7 also see Dustin Boone, Your Honor, and he is actually moving  
8 away from this large huddle of police officers who have  
9 congregated around Detective Hall as he lie on the ground.  
10 And Detective Boone, Mr. Boone, moves towards the  
11 Landry Fort situation, we know from photographic evidence,  
12 and then returns during the course of the 12 minutes of  
13 photographic evidence that we have during the course of this  
14 assault. And then there's this 39-second period where  
15 everything goes dead for a while. And at some point we know  
16 Dustin Boone entered the fray, and we don't know exactly  
17 when.

18 But there's certain aspects of this case that I  
19 believe, Your Honor, warrant serious consideration. And  
20 primary among them is that, when this assault began, when  
21 the decision was made to take Detective Hall to the ground  
22 and when he was being struck by riot batons, he was not part  
23 of this incident; he was off to the side. And one of the  
24 reasons why that's important, Judge, is because, under this  
25 important section that we have in the United States Code,

1 3553(a), one of the things that the Court must consider is  
2 unwarranted sentencing disparity among similarly situated  
3 defendants. And I know it's the government's position that  
4 Randy Hays and Dustin Boone are not similarly situated  
5 because Randy Hays pled guilty, Dustin Boone did not.  
6 Randy Hays testified for the prosecution at least at one  
7 trial. Dustin Boone did not. And those things are true.  
8 Those are important distinctions. But I would say, Judge,  
9 they're not as important as other distinctions that exist in  
10 this case.

11 One is: Detective Hays, who received a 52-month  
12 sentence, he started it. His colleague and girlfriend,  
13 Bailey Colletta, walks past this generator. Luther Hall  
14 catches her eye and she immediately screams for him to get  
15 on the ground, and her then colleague and boyfriend, hearing  
16 her excited comments, runs into the fray and throws the man  
17 on the ground. He then pulls out a lethal --

18 Yes, sir. I'm sorry. I thought you were going to  
19 ask --

20 **THE COURT:** No.

21 **MR. KUEHN:** He then pulls out a lethal weapon, a riot  
22 baton, and strikes the man three to five times. He then  
23 throws him to the ground again. It is sometime thereafter  
24 that Dustin Boone enters this picture. Dustin Boone did not  
25 hit him with a lethal weapon, he didn't hit him with



1 anything, not his fist, not his boots. That's the testimony  
2 of Randy Hays at the first trial. And there's not a single  
3 shred of evidence to suggest otherwise in this trial that he  
4 ever hit struck, clubbed, or did anything other than  
5 restrain the man.

6 That doesn't make him blameless, Judge. The jury has  
7 spoken and he deserves to be punished. But in terms of  
8 looking at unwarranted -- or warranted disparity and  
9 deciding, in light of the 52-month sentence that Randy Hays  
10 received, what's an appropriate sentence, it's important  
11 that Dustin Boone did not strike the man, that he wasn't  
12 there when this arrest started, and that he never threw him  
13 down on the ground. He restrained him and he should be  
14 punished for that.

15 But I would suggest, Judge, that given these facts and  
16 given the differences, if the mission of any Court is to  
17 find a sentence that is sufficient but not greater than  
18 necessary to meet the aims of 3553(a), that if a 52-month  
19 sentence is sufficient for a defendant, notwithstanding how  
20 he behaved afterwards -- if that sentence is sufficient for  
21 a defendant who clubs a man, throws his face down into the  
22 pavement twice, and was there from the very beginning, it  
23 ought to be sufficient or greater than sufficient --  
24 something less is warranted for a man who comes in long  
25 after the violence was initiated and restrains him.

1           Now, Judge, I want to turn to the history and  
2 characteristics of the defendant, and they're tough in this  
3 case. And they're tough in a lot of cases, Judge, because  
4 human beings are complicated creatures and a lot of times  
5 they show different sides of themselves. And I've got  
6 nothing to say about those texts, other than they're vile.  
7 I really can't justify them.

8           Now, I can say this, that a lot of the texts that the  
9 government focuses on with respect to prior incidents of  
10 assaults, they're not corroborated by any complaints of  
11 civil rights violations, they're not corroborated by  
12 evidence; they're simply things that he writes on his cell  
13 phone. Again, I can't justify them.

14           I can say this, Judge: That we've also presented to  
15 you character letters by individuals like Officer Linhorst,  
16 who put himself out there, who's married to an  
17 African-American woman, and he says, "I rode with  
18 Dustin Boone. I saw him go into underprivileged communities  
19 and I watched him diffuse situations, not with violence but  
20 with humor."

21           He essentially tells you, Judge -- and he's aware of  
22 the texts. He tells you, the man Dustin Boone is showing  
23 himself to be in these select texts that have been presented  
24 by the government is not the man I witnessed when I rode  
25 with him and watched his policing.

1           We've got these horrible texts. We've also got  
2       commendations, awards, things that Dustin Boone did well  
3       when he was a police officer. We have these texts which  
4       involve racial content. They're racist texts. I would  
5       submit to you that, on one hand, you've got these terrible  
6       racist things being said; on the other hand, you've got one  
7       of the Boone family's best friends, who's an  
8       African-American woman, and says, "I know what the texts say  
9       but that doesn't change the love he's shown me." There's  
10      one house where she, as an overprotective mother, who will  
11      allow their kids to stay other than grandma and grandpa's,  
12      and it's the house of Dustin and Ashley Boone.

13           It's all to say, Judge, that people are multi-faceted.  
14      He's shown a very dark side of his character, something he  
15      intends to work on and that he has worked on. And I hope  
16      he's right. But there are better sides of the man, too, and  
17      you know that because of the letters that were written to  
18      you on behalf of Mr. Boone, not just by his family but by  
19      friends and by other police officers.

20           And one thing that I think cannot be disputed, Judge,  
21      is that Dustin Boone is one heck of a family man. And I'm  
22      sure Your Honor's aware and read it in presentence report:  
23      Dustin Boone was abandoned by his father when he was an  
24      infant, his biological father. There's a man in his life  
25      that he considers to be his father now, but his biological

1 father left him before he ever knew him. And very early in  
2 his life Dustin Boone decided he was not going to be that  
3 kind of a dad, and he's not. He's a very involved, very  
4 supportive dad, very loving husband. He's supportive to his  
5 parents and to his sisters and to his friends and to the  
6 people of the community, Your Honor.

7 He's got a skill, and it's one that I wish he'd have  
8 stuck with because, as much as I don't think those texts  
9 should overshadow the conduct in this case, I think what  
10 happened and the role that Dustin Boone played in the  
11 assault and when he entered the assault, that these should  
12 be the things that drive your decision, Your Honor. I don't  
13 think the texts should overshadow them.

14 But I will say that as much as -- I guess what I'd  
15 like to say is that those texts show he probably should have  
16 never been a police officer. And I hope he's changed. He  
17 should have stayed as an electrician. That's a skill that  
18 he has and it's one that he used, not just to line his own  
19 pockets, Your Honor. He went to friends' house and helped  
20 them in times of need; more importantly, donated his time to  
21 Habitat for Humanity. He went to underprivileged  
22 neighborhoods in St. Louis and helped people with electrical  
23 work that could not otherwise be done so that they would be  
24 safe. And, again, that shows another side of the man that  
25 isn't reflected in the select texts that have been presented

1 to Your Honor.

2 I think deterrence is an important factor in this case  
3 and in any other. I know it's important in a case like  
4 this, and people are watching. And I would say this, Judge:  
5 As a society, we've made strides. And I think it's the  
6 advent of the iPhone where people walk around with video  
7 cameras in their pockets now and you can't sweep police  
8 brutality under the rug. It's a good thing. And by and  
9 large over the course of time, internal affairs  
10 investigation and maybe a 1983 lawsuit where you stand to be  
11 indemnified by whatever department you work for, these were  
12 the only deterrents that really existed, by and large. And  
13 now things have changed. We see more prosecutions underway.

14 I've got to tell you, Judge, when you're a police  
15 officer, one day in a penitentiary is a very frightening  
16 thought, and that's becoming a reality. And the sentence  
17 that you delivered to Randy Hays, it's going to send a  
18 message to other police officers. And whatever your  
19 sentence is here today -- we're advocating a sentence of 26  
20 months, but whatever your sentence is, it's going to send a  
21 message to the public, in addition to the public ridicule  
22 and the embasement that's brought upon families and the loss  
23 of employment and the stigma of a felony conviction that  
24 will last for the rest of Dustin Boone's life.

25 In addition to that, I can tell you, Your Honor, he's

1 frightened for himself and for his family, and he's about to  
2 enter a situation where he'll be persona non grata. He'll  
3 be amongst people who were put away by members of law  
4 enforcement.

5 Judge, I don't want to talk too much about this  
6 probable cause, and you've already ruled, and I respect that  
7 ruling.

8 I do want to say one more issue about at least  
9 Dustin Boone's thoughts and what a person in his position  
10 would think. From the outset I would say this: Whether or  
11 not there was probable cause to arrest Detective Hall or  
12 not, the man shouldn't have been assaulted. He shouldn't  
13 have been thrown to the ground and beaten with a club or  
14 stomped on or punched in the face.

15 I will say that from Detective -- or from Mr. Boone's  
16 perspective, what he sees is his fellow officers yelling at  
17 the man to get on the ground and to show his hands,  
18 repeatedly. He's several feet away. He hears them  
19 repeatedly saying, "Show me your hands, get on the ground,"  
20 and he may have seen the violence that is being rained down.

21 Now, Your Honor, he's not -- he doesn't know why those  
22 directives are being given to begin with. He's out in the  
23 middle of a situation. There are people running in  
24 different directions, there are dispersal orders being  
25 given, there are pepperballs being fired. Some of the

1 police officers are rubbing tears out of their eyes and one  
2 may have even vomited. This is a chaotic situation, Judge,  
3 and he is listening to what his other -- the other police  
4 officers, including Randy Hays, were doing, and he runs over  
5 and eventually enters the fray.

6 Obviously, Detective Hall was not out there to break  
7 the law; he was out there to enforce the law. We're not  
8 suggesting otherwise. We're not saying that he was a  
9 criminal. However, from this man's perspective, how would  
10 he know otherwise when he's watching his fellow officers  
11 yell commands like they were when he enters the mix? And  
12 that all preceded him becoming involved in what was the  
13 assault on Luther Hall.

14 Judge, I've got to tell you, the next thing that I was  
15 going to talk about, I was going to explain why Dustin Boone  
16 did not make an allocution. I was worried that if we bring  
17 this case up on appeal, which we intend to do, that his  
18 allocution might ultimately be used against him the way the  
19 first apology was. I want Your Honor to know that what  
20 Mr. Boone came up and said to you was contrary to his  
21 lawyers' advice. It does underscore how important it was  
22 for him to get up here, take responsibility, say he's sorry  
23 to Mr. Hall for the second time, and to tell you that it's  
24 important to him to change his ways.

25 Now, Judge, on to my recommendation. I think it's

1 difficult for any Court any time to arrive at a decision  
2 that will so seriously affect a man's life or a woman's  
3 life. I don't envy your position in that regard. Heard  
4 many judges say it's the hardest job that he or she has, and  
5 I believe it.

6 The reason I chose 26 months, it happens to be halfway  
7 between zero months of incarceration that so many of the  
8 officers involved in this situation received, those that  
9 were charged, those that were not charged but who were  
10 huddled around and managed to evade detection.

11 We know from those pictures, there were a lot more  
12 than the handful of officers that have been indicted  
13 involved in this situation. It's plain and simple to see on  
14 the videos. And Dustin Boone was only one of the few who  
15 self-identified that next day when Sergeant Jemerson walked  
16 into the electricians' hall and says, "Who was involved in  
17 the arrest on 14th and Olive?" And Dustin Boone, not  
18 knowing at that time that Detective Hall was the victim in  
19 that situation, said, "I was there."

20 Twenty six months is between the zero most people  
21 would receive and the 52 that the primary actor received.  
22 And I think one thing, Judge, that -- I've alluded to this,  
23 but I haven't said it like this. Dustin Boone is convicted  
24 as someone who aided and abetted this assault at whatever  
25 juncture that he entered after the 11 or 12 seconds elapsed.



1 Randy Hays is the principal actor here. He initiated this  
2 arrest, he used a deadly weapon, threw Mr. Hall to the  
3 ground. Dustin Boone did none of those things. And I think  
4 that the spirit of 3553(a) supports a sentence somewhere  
5 below Randy Hays, and we picked 26 because it was the midway  
6 point.

7 Your Honor, that's all I have to say. I know that it  
8 was a lengthy memorandum and that my comments this morning  
9 were lengthy but I had a lot of important things to say on  
10 Mr. Boone's behalf. I appreciate you listening.

11 Thank you.

12 **THE COURT:** Thank you, Counsel.

13 In each case I prepare a sentencing sheet and I want  
14 to go over that at this time. I do acknowledge, as you  
15 mentioned, Counsel, that his parents divorced when he was an  
16 infant, and only recalls very few occurrences with his  
17 father. I believe he was a toddler at that time. After his  
18 mother remarried, at one time he took it upon himself to  
19 change his name to the name of his adoptive father.

20 He has no other criminal offenses, no drug history.  
21 Suffers from asthma. He was in an automobile accident,  
22 fractured his right knee and right arm, and was damaged  
23 in -- his left eye socket was damaged. Graduated from high  
24 school. Was with the International Brotherhood of  
25 Electrical Workers, Local 1. In 2016, became a member of

1 the St. Louis Metropolitan Police Department. He has skills  
2 as an electrician and has worked in that job before and  
3 since he was a police officer. His children have been  
4 mentioned. His wife has been mentioned. And those are the  
5 facts that I picked up from the presentence report.

6 I'm going to -- I invite everyone to sit back and  
7 relax. This is going to take some time. I have a lot of  
8 letters in this case, and what I've done is arranged them in  
9 an order where, to the extent -- numbers aren't exactly the  
10 same, but I read a letter that has been submitted to me in  
11 support of Mr. Hall and then I read a letter that's in  
12 support of Mr. Boone. And so it's going to take some time.  
13 I have marked up all the letters. I'm not reading them in  
14 their entirety but only those portions that I -- that are  
15 not -- well, I think that are most relevant.

16 This one -- I'm not mentioning names. These letters  
17 are all in the public record and they're available for  
18 anyone to see that wants to go there and look at them.

19 "Let me start by saying, I've always been a proud  
20 member of the Missouri St. Louis Metropolitan Police  
21 department but the events of the night of Luther's assault  
22 and the behavior of those involved following the assault has  
23 made me question my pride in such a department.

24 "I implore you to send a message to those that don a  
25 badge everywhere. A message needs to be sent that the

1 racist culture that exists among the -- among those in  
2 uniform is no longer welcome here and must -- amongst the  
3 ranks of the St. Louis Metropolitan Police Department or  
4 anywhere.

5 "You see, it is apparent, those involved in this  
6 incident felt they did nothing wrong in beating a black man  
7 until that black man turned out to be another officer.  
8 There was no remorse. In fact, in texts between those  
9 involved leading up to the event bragged about wanting to  
10 beat people and violate their rights. Their remorse came  
11 only when the next morning they realized that they had  
12 beaten an officer.

13 "I watched the incident take a huge toll on my friend,  
14 Detective Luther Hall. The once jovial and high energy  
15 friend I always have known Luther to be is now almost  
16 reclusive, only speaking to those of us he trusts, because  
17 trust doesn't really come easy for him now. He loved being  
18 a policeman and did extra projects for this department he  
19 believed loved him so much, a love that was betrayed by the  
20 actions of those officers that night and the handling of the  
21 incident from the top down. Luther was always very active.  
22 He loved being out among friends, rollerblading in the park,  
23 and just being around people. He can't enjoy those things  
24 any longer because it brings such anxiety and uneasiness.

25 "The fact Dustin FaceTimed the assault and shared it

1 with family is a disgusting truth to just how deeply the  
2 racism and bigotry run. Dustin's family, his father being a  
3 retired sergeant from the department, joined in the much --  
4 in much of Dustin's racial rants. Dustin admits often times  
5 in his texts rants of beating other victims and proudly  
6 depriving them of their rights."

7 \* \* \* \*

8 "I have been married for 17 years to my husband, who  
9 is a 15-year veteran of the St. Louis Metropolitan Police  
10 Department. As a member -- as a mother of six children, a  
11 black woman who was born and raised in North St. Louis, I  
12 would like to share with you my feelings about my friend  
13 Dustin.

14 "I met Dustin and his wife, Ashley, through my  
15 husband. My husband does not hang out with a lot of  
16 policemen but so when he does introduce me to a police  
17 officer, I know he thinks very highly of them. Dustin,  
18 Ashley, and I quickly became friends.

19 "Dustin has sent us clothes, toys, electronics,  
20 et cetera, that we never would have been able to afford. He  
21 never made it -- he never made it feel -- he never made it  
22 feel like charity and the kids were always so excited.

23 "And I know Dustin has grown so much through the whole  
24 process. I know Dustin loves me and my husband and my kids  
25 as a family. No text change the man I knew who deeply loves

1 his family and friends."

2 *(Off the record.)*

3 **THE COURT:** "I first met Luther in 2004 as a neighbor  
4 and colleague. In 2013, Luther and I became partners as  
5 detectives. Together we took pride in our work and earned  
6 the reputation of being thorough, fair, and honest in our  
7 investigations, thereby earning the confidence and trust of  
8 the Chief of Police.

9 "As a result of Dustin Boone's actions, Luther's life  
10 has been forever changed. He experiences ongoing physical  
11 and emotional distress.

12 "Finally, Dustin Boone's assault on Officer Hall ended  
13 his 25-year career as a St. Louis City police officer. By  
14 doing so, Luther didn't just lose his livelihood, he lost  
15 his identity and spirit.

16 "Our community needs to repair this trust. A first  
17 step towards this is accountability. I understand your  
18 commitment to repairing the racial gap. In making your  
19 determination, you can start to right the wrongs of the past  
20 and start rebuilding trust in our justice system by holding  
21 Dustin Boone accountable for his actions and sentencing him  
22 to the recommended 120 months. Anything less is a  
23 disservice and insult to Luther Hall and victims of hate and  
24 racism."

25 \* \* \* \*

1 "Dustin and I met when he was a young officer and a  
2 veteran -- and I a veteran officer. The Dustin Boone I know  
3 from the job, the Dustin who treated people with respect and  
4 dignity and often left people we made contact with laughing.  
5 I never once witnessed or heard anything that caused me to  
6 question Dustin's character or treatment of people in the  
7 community.

8 "I know Dustin had texts on his phone that he is not  
9 proud of and he has paid dearly for those texts. Dustin is  
10 a man I trusted with my life and who I was proud to get to  
11 ride with.

12 I've seen Dustin risk his life while serving North  
13 St. Louis. I've seen him show people, like the homeless  
14 drug addict, compassion."

15 \* \* \* \*

16 "Luther was a shell of himself. He was gaunt. His  
17 muscular build was gone. And so was that walk. That  
18 head-up-high-self-assured walk. There was sadness in his  
19 eyes as we came together to raise money for his hospital  
20 expenses that resulted from the defendant's cowardly act. I  
21 became angry. I'm still angry as I write this Victim Impact  
22 Statement.

23 "Luther has sustained horrible injuries as a result of  
24 the attack. But be clear. Luther is not a victim, and he  
25 never will be. He is an overcomer. He is someone who

1 defies the odds and lives life on his own terms. He is  
2 someone of character who stresses the importance of doing  
3 what is right.

4 "Your Honor, I am asking that you hand down the  
5 maximum sentence because there must be consequences for  
6 their actions, and you must send a clear message that  
7 St. Louis will not tolerate this rogue behavior.

8 "Luther is like a brother to me. When I came to  
9 St. Louis to begin a Christian-based program for at-risk  
10 youth, Luther set up all the technology and computers we  
11 needed to help the youth.

12 "Luther met some of the at-risk children and  
13 interacted with them. His compassion and care helped those  
14 young black boys see police officers in a different light.

15 "Please do not give the defendant a life sentence -- a  
16 light sentence because he wore a badge. Give him a sentence  
17 that matches the hatred and racism in his heart.

18 "Although Luther faces more surgeries due to this  
19 attack, he is getting back to himself."

20 \* \* \* \*

21 "I am a retired veteran of the St. Louis Metropolitan  
22 Police Department, and I am writing you to ask for leniency  
23 in sentencing of Dustin Boone. I've known the Boone family  
24 for many years. I have been friends with Dustin's father,  
25 Tony Boone, since high school, as well as with Dustin for

1 over 25 years. Dustin's father and I have worked in uniform  
2 and in -- as with Dustin for over 25 years. Dustin's father  
3 and I have worked in uniform and undercover operations  
4 together for a good many of the years were together on the  
5 department.

6 "Dustin was an honest, hardworking policeman and  
7 chosen to be on a team of officers that went into the most  
8 violent areas of the city to help curb the violence plaguing  
9 those areas.

10 "Judge Webber, I do not condone the circumstances  
11 surrounding this incident. Although I implore you to take  
12 into consideration the gravity of what these police officers  
13 were thrust into."

14 \* \* \* \*

15 "I know Luther personally and have also worked with  
16 him over the years and consider him a friend. I'm truly  
17 grateful to Luther. I am grateful Luther will be" -- I  
18 can't read it.

19 \* \* \* \*

20 "I am also aware that after this incident Dustin  
21 reached out to Luther Hall to apologize. This too shows the  
22 character of Dustin, apologizing for being present when the  
23 actions of some officer was a result of another policeman  
24 being injured."

25 \* \* \* \*



1 I'm going to read this one in its entirety. It's very  
2 brief:

3 "I am -- this is Yolanda Hall, mother of  
4 Detective Hall, undercover detective who was assaulted by  
5 the defendant. I'm writing you today to let you know how  
6 the defendant's actions has affected Luther's life as well  
7 as our family. Luther has already had several surgeries and  
8 will need to have more. Most days he's in constant pain. I  
9 know this because most days I am with him. As you can see,  
10 Your Honor, our family is very close and we spend a lot of  
11 time together. He will probably be under a doctor's care  
12 for the rest of his life. A lot of life's pleasures that he  
13 used to enjoy doing he is unable to do now because of the  
14 defendant. It is very difficult to watch your child being  
15 in pain and can do nothing about it. The unprovoked actions  
16 of the defendant has left him both traumatized, emotionally  
17 as well as physically. Luther is my only son and well as my  
18 youngest I thank God every day that defendants did not take  
19 his life. If my son had committed a crime, he would have to  
20 be held accountable for his actions, but he did not, and I  
21 hope that you will see that my son Detective Luther Hall  
22 gets justice and defendant pay for his unprovoked actions."

23 \* \* \* \*

24 My name -- I am -- this also is a letter from a family  
25 member of Mr. Boone:

1           "My name is Melissa Boone, and I am Dustin's mother.  
2 I'd like to start by saying I'm not the best at writing  
3 letters, especially under circumstances such as this one,  
4 but I'll do my best.

5           "Dustin's biological father had very little to do with  
6 him and was only in his life when it benefited him. When I  
7 met my husband, Tony, he treated did you say like he was his  
8 own son and instilled the same morals and values in him that  
9 my family and I had done. Tony attempted sometimes to  
10 legally adopt Dustin, but his biological father would not  
11 allow it. However, Tony continued to raise Dustin as his  
12 own."

13           And it speaks of the family activities.

14                           \*   \*   \*   \*

15           "Luther no longer trusts the police. And this is  
16 heartbreaking. Luther used to defend the police in every  
17 argument.

18           "You treated Hays and Colletta so delicately. You  
19 allowed Hays to request where he would like to do the time.  
20 Why handle him gently? He didn't handle Luther gently on  
21 that night. It looks like the officers are being treated in  
22 a mild manner because they are white. What would have  
23 happened to them if they were black officers or if they beat  
24 a white man like they did Luther?

25           "Do you look at the achievements of the victim? Do

1 you consider the victim's family? Luther Hall's family.  
2 The night of September 17th, 2017 forever changed our lives.

3 "Are you going to be lenient again? For a man that  
4 has shown through texts and actions that racism runs through  
5 his veins. Believe the letters from his family that share  
6 the same racist blood? Those officers saw an opportunity  
7 and seized it; they thought with no repercussions.

8 "Those officers made a choice that night to assault a  
9 man simply because he was a black man.

10 "You say you want racial reform, yet you are so  
11 lenient to police officers who assaulted a black police  
12 officer.

13 "I'm trying hard to have faith in the American Justice  
14 System, but it is getting more difficult."

15 \* \* \* \*

16 "I'm writing this letter to ask for leniency in the  
17 sentencing of Dustin Boone. I'm Dustin's father and have  
18 served the city of St. Louis as a police officer for 30  
19 years.

20 "I came into Dustin's life when he was five years old  
21 and after his mother, Melissa, and I were married, I  
22 attempted to legally adopt him as my own son. His  
23 biological father denied my requests, but nevertheless, I  
24 raised him as my own son. In 2017, unbeknownst to me,  
25 Dustin legally changed his name to Boone and presented the

1 legal documents to me on Christmas that year. Melissa and I  
2 were extremely proud that Dustin took it upon himself to do  
3 that for me.

4 "Dustin has -- during his career as electrician,  
5 Dustin donated his personal time to Habitat for Humanity  
6 twice a year for seven or eight years, wiring new  
7 construction homes for low income, needy families in  
8 North St. Louis."

9 And like all these letters, some of them are very long  
10 and I'm picking out what I think is significant statements.

11 "In this assignment, the street team was tasked with  
12 addressing violent crimes as well as narcotics and weapons  
13 offenses in some of the most dangerous neighborhoods in  
14 North St. Louis.

15 "Dustin was awarded a certificate of appreciation for  
16 volunteering his services at Dewey school in North St. Louis  
17 where he was mentoring the students."

18 \* \* \* \*

19 "I am Detective Luther Hall's sister. My brother is  
20 an incredible human being who prior to have been beaten by  
21 his fellow officers was outgoing and enjoyed spending time  
22 with his family and friends. He is the type of person who  
23 would do anything for anyone. But because my brother's life  
24 has been severely altered and he is in constant pain he's  
25 unable to be the same person he once was. My brother did

1 nothing wrong he was only doing what his superiors  
2 instructed him to do, but the officers took it upon  
3 themselves to beat him and did it themselves as they needed  
4 to be held accountable. Even though I'm the oldest and I  
5 should be -- I should be protecting him, he always protected  
6 me."

7 \* \* \* \*

8 "I met Dustin Boone ten years ago when Dustin was an  
9 electrician.

10 "At the time Dustin introduced my family to his  
11 family, we had no running water on the property. We were in  
12 the beginning stages of drilling a well and still finishing  
13 the interior of our house. When Dustin's parents, Tony and  
14 Melissa, found out we had no running water in the property,  
15 they insisted we take showers at their property. Not only  
16 did they supply us with bathrooms and showers, they did all  
17 the cooking that was necessary.

18 "Dustin ran the wiring down the electrical pole to the  
19 house and had the electric power wired in a day."

20 \* \* \* \*

21 "This letter is to ask you to sentence St. Louis  
22 Metropolitan Police Officer Dustin Boone to the fullest  
23 extent allowable. Dustin Boone violated the oath he took to  
24 protect and serve citizens of St. Louis. Officer Boone's  
25 racist and violent actions have added to the fractured

1 relationship between police officers and marginalized  
2 communities in St. Louis. Mr. Boone's racist words and  
3 violent actions have added to the divide between police  
4 officers in the city, Metropolitan -- St. Louis  
5 Metropolitan -- St. Louis Police Department.

6 "I have known and worked with Detective Luther Hall  
7 for 20 years. Detective Hall was energetic and full of life  
8 until this incident. His energy and smile lit up the room.  
9 Now, Detective Hall has to live with physical, mental, and  
10 emotional scars for the rest of his life. Detective Hall  
11 will never be pain-free because of the actions of  
12 Officer Boone and others.

13 "Racist and rogue police officers cannot be tolerated.  
14 Officer Boone's actions have added yet another hurdle with  
15 healing our city. Giving the maximum allowable sentence can  
16 begin the healing process for Detective Hall, our community  
17 and our officers."

18 \* \* \* \*

19 "I have known Dustin Boone for nine or ten years and  
20 he is married to my wife's sister.

21 "Dustin -- I am hopeful that others see Dustin's  
22 character and how the Boones have handled the adversity is  
23 truly taken into consideration for this next and most  
24 impactful challenge in this life-changing event."

25 \* \* \* \*

1 "I'm writing this letter on behalf of my brother,  
2 Dustin Boone. Growing up, I never felt anything but love  
3 and support from my brother. I look up to him and always  
4 aspired to be like him. His charisma, humor and kindness  
5 attract everyone he is near and he has more friends and  
6 acquaintances than I can count. I always admired his  
7 ability to strike up a conversation with anyone and make  
8 them feel they have a close friend for years.

9 "I have never known my brother to be violent or  
10 aggressive towards anyone."

11 \* \* \* \*

12 "Dustin always wanted to be a policeman and in 2015  
13 made a career change and joined the police department.  
14 Dustin's response to us was that, 'This is what I've always  
15 wanted to do, and if you and dad could make ends meet and  
16 afford to raise us as a policeman on a policeman's salary,  
17 then Ashley and I can do it too.' We have never seen him  
18 happier. He has a now wife, a beautiful daughter, and a  
19 career that he always wanted. Tony and I realize that  
20 Dustin was focused and dedicated in supporting his family."

21 \* \* \* \*

22 "The past four years have been excruciatingly painful  
23 for Dustin and his family and I'm asking that you have mercy  
24 during your sentencing of Dustin."

25 \* \* \* \*

1           This one on behalf of the people of St. Louis. Looks  
2 like, "Congratulations and thanks to you on the outstanding  
3 service and positive impact you have made on crime in the  
4 Fifth District."

5           Almost finished. A couple more.

6                           \*   \*   \*   \*

7           ""As an immigrant to this country and a minority, I at  
8 times have feared how others view or treat me. Mr. Boone  
9 met me, he listened to my story, and welcomed me with open  
10 arms as a friend. He respected my culture and my language  
11 and upbringing."

12                           \*   \*   \*   \*

13           This is the last letter I'll be reading:

14           "Ms. Costantin apologized and the following day pulled  
15 Luther aside to talk to him in the aisle so that you would  
16 recognize him. The FBI agent's friend didn't come back  
17 because of your misidentification. He commented about it  
18 and found it troubling.

19           "The comments you made during Randy Hays's sentencing  
20 were also disturbing. You shared that his small child would  
21 be negative actively impacted by his absence with a lengthy  
22 sentence; therefore 52 months was sufficient. You mentioned  
23 research supporting your statement to Bailey Colletta  
24 additionally received leniency. You actually prefaced her  
25 sentence with the following statement: 'The prosecution is



1 going to be a little upset with me but.' needless to say  
2 she was sentenced to three years probation and two  
3 consecutive weekends in prison.

4 "You have shown me that you do not care about  
5 Luther Hall, his well-being nor justice for him. Is it  
6 because he's black? Luther was viciously assaulted because  
7 of his race. He was a victim. It was quite obvious that  
8 your implicit bias reared its ugly head when you  
9 misidentified him in court. It was just unbelievable. Wow,  
10 your actions were such a slap in the face. I guess you  
11 really believe all black people look alike.

12 "I'm certain there's some guilt with your past actions  
13 and dealings with African-American men that haunt you.

14 "Be realistic about the biases you have and the harm  
15 you've actually caused. Take a look at the man in the  
16 mirror -- start with him. Your bias matters because it  
17 affects your decisions, behaviors, and interactions with  
18 others. Unfortunately, for African-Americans or people of  
19 color, you've been dangerous with the power you have. Think  
20 about the victims that come into your courtroom. Does their  
21 quality of life matter to you? Do you exercise the same  
22 level of care when you victims are people of color? We both  
23 know the answer to those questions -- it's a hard 'No!'  
24 Judge Webber you don't. You don't recognize Luther after he  
25 spent an enormous amount of time on the stand. How

1 ridiculous is that, sir? I'm asking.

2 "Judge Webber, do you think a sentence of leniency is  
3 appropriate for Dustin Boone? What message would that send  
4 to all of the racists like him? Racism within police  
5 culture began with slave patrols and continues today in  
6 2021. Look at how people were assaulted and victimized the  
7 night Luther was injured. He was hurt and continues to  
8 suffer from the beating he endured. His health has declined  
9 and there's another looming surgery as a result of that  
10 night. His quality of life matters, Judge Webber.

11 "I'm asking that you research Luther with the same  
12 concern you exercised for Randy Hays. Can you do that?

13 "Let me tell you about Luther. He is a kind and  
14 intelligent man. He's such a good soul. He's a treasured  
15 friend and I love him dearly. I've had an opportunity to  
16 laugh and cry with him. I'm grateful for our friendship."

17 That's it.

18 **UNIDENTIFIED SPEAKER:** Hear the impacts statements  
19 right now.

20 **THE COURT:** Okay. Impact statement from whom?

21 **UNIDENTIFIED SPEAKER:** Toward Dustin Boone.

22 **THE COURT:** I thought I had everything already given  
23 to me.

24 **UNIDENTIFIED SPEAKER:** Those are letters. It's not  
25 exactly what an impact statement is. Those are just letters

1 talking about him.

2 **THE COURT:** Well, what do you have? This is very  
3 unusual. I don't know -- I haven't had this arise before.  
4 You want to come up and testify, is that what you want to  
5 do?

6 **UNIDENTIFIED SPEAKER:** If you allow me, I would like  
7 to.

8 **THE COURT:** How many people are you going to call?

9 **UNIDENTIFIED SPEAKER:** Just me.

10 **THE COURT:** All right.

11 **UNIDENTIFIED SPEAKER:** It's just something that I  
12 would like --

13 **THE COURT:** All right. Come on up. Raise your hand  
14 and be sworn, please.

15 **(Woman approaches podium to address the Court.)**

16 **DEPUTY CLERK:** State and spell your name.

17 **MS. SALLY BULLOCK:** Sally Bullock. I am related to  
18 Dustin Boone.

19 I really didn't have anything prepared. I have sent a  
20 letter but that was just a letter. What I've sat through  
21 this morning and the last two trials, I just -- everyone --  
22 both families are heartbroken over what happened to Luther.  
23 It's just been horrendous. The past four years -- I know  
24 the reason he gave, but "I'm undercover" would have  
25 prevented this, so I still don't understand that completely.

1           And I understand that he -- this is his last chance to  
2       get some really, really tough sentence to show the world,  
3       show the St. Louis community that you are not racist, you're  
4       not biased against blacks and whites. And I know that  
5       you're not. But it's just, the judicial system has to be  
6       fair. The defendant did not hit Luther. He did not hit  
7       him, he did not beat him.

8           **THE COURT:** That's been talked about, talked about,  
9       talked about. I got that. I promise you, I know he didn't  
10      hit him. He didn't -- that didn't happen.

11          **MS. SALLY BULLOCK:** Okay. Police officers face low  
12      lives every day of their life. The adrenaline that goes  
13      into what they were facing going into that night -- those  
14      stupid text messages, they were stupid. I just don't feel  
15      he deserves ten years of punishment when he's gone through  
16      four years of punishment for stupid text messages that  
17      really weren't saying what he was saying with the other  
18      officers who were agreeing with him. They had to pump  
19      themselves up to face a war. They were going to try to get  
20      the troublemakers. Not the real protesters; the people that  
21      were going to destroy things.

22          **THE COURT:** Ma'am, please end your statement. End it  
23      in ten words or less. We need to get on with this.

24          **MS. SALLY BULLOCK:** Okay. Ten words or less.

25             Dustin didn't do what he is accused of doing. He

1 should not be punished. I think he should have probation  
2 for all the hell he's been through the past four years.  
3 Thank you.

4 **THE COURT:** There are issues in this case which  
5 require consideration.

6 I first acknowledge the impact of the assault on  
7 Mr. Hall. I believe unreasonable use of force was used  
8 against him by another defendant, already in prison, because  
9 Mr. Hall was African-American. Mr. Hall suffered pain and  
10 substantial impairment of his body, which, from evidence  
11 I've heard, convinced me it will cause him permanently to  
12 suffer from those injuries.

13 One of the neighbors wrote: "Luther's life has been  
14 forever changed, that he experiences ongoing physical and  
15 emotional distress. He has a loss of appetite, resulting in  
16 significant weight loss, difficulty sleeping, and no longer  
17 able to complete daily activities without pain. Luther  
18 didn't just lose his livelihood; he lost his identity and  
19 spirit. His job was an important part of his life. He  
20 chose not to disclose his position to an undercover officer  
21 because would compromise him in serving in the capacity of  
22 an undercover officer in the future. His" -- and so forth,  
23 and end quotes.

24 He certainly has two titanium braces, four titanium  
25 screws, and cadaver bones supporting his neck. From what

1 I'm viewing Mr. Hall's testimony, I remember, rather than  
2 addressing the hole in his mouth -- this is a statement that  
3 I'm making. This is not from a letter.

4 From my viewing Mr. Hall's testimony, I remember,  
5 rather than addressing the hole in his mouth and pain he was  
6 suffering, he chose to go back to headquarters to report on  
7 the riot, putting duty over personal care. Perhaps the  
8 greatest harm came from estrangement with other officers who  
9 acted unfavorably against him in the course of the following  
10 investigation.

11 The next subject mentioned is respective memorandums  
12 that concern the reference to racial slurs which permeate  
13 this case. Racism has prevented this country from  
14 accomplishing its envisioned destiny.

15 My life, while on the subject, was changed when I was  
16 just short of four years old. My family lived -- and my  
17 father had a contracting business to transport trailer  
18 houses from different government camps. We were temporarily  
19 living in Mobile, Alabama. And one day I was outside, met  
20 this girl. She was taller than I, older than I, but we had  
21 just a magical day together. It was wonderful, and so I  
22 couldn't wait to take her up and introduce her to my  
23 parents. But when I got to the door my mother said, "Well,  
24 it's going to be dinner time and you need to get in and get  
25 ready," and so that didn't happen.

1 Well, I got some kind of a message that night. I  
2 don't remember what it was, but I know what it was, I know  
3 the meaning of it because the next day this girl came  
4 skipping up to me and she stopped because I was looking down  
5 at the ground, and she smiled and turned away and walked  
6 away and then started skipping again into the distance. I  
7 would just so much like to have had the opportunity to see  
8 her again and tell her that I do so regret my actions in  
9 deciding that the color of her skin made me better than she.

10 I've spent my entire life trying to reverse the harm  
11 racism continues to cause in dividing our country. When I  
12 read the reports of racial comments, my first question was:  
13 How can the police organization in the city function if  
14 racism is deeply embedded in its culture? One officer  
15 writes, "There is a cultural racism within the department  
16 that no one wants to talk about."

17 Several -- that ends that discussion.

18 Several letters I received suggest anything less than  
19 very severe punishment imposed by me would send the wrong  
20 message to addressing racism, suggesting defendant should be  
21 held accountable for all of the wrongs committed against  
22 Mr. Hall the night of the assault.

23 My duty as a judge is to review the indictment,  
24 consider all of the evidence in the case, and impose a  
25 judgment against the defendant for his role in the case.

1 What was defendant's role in this case which goes to aiding  
2 and abetting the deprivation of rights under color of law  
3 resulting in bodily injury and the use of a dangerous  
4 weapon?

5 First and foremost, the action of the officer who  
6 twice picked up Mr. Boone -- or twice picked up Mr. Hall and  
7 slammed him face-down on the concrete two times clearly  
8 violated the act for which the officer has been rightfully  
9 imprisoned.

10 I watched the video evidence that was repeatedly  
11 presented against -- in the court. There is no evidence  
12 that defendant ever struck Mr. Hall. The violent acts  
13 against Mr. Hall terminated before he approached the side of  
14 Mr. Hall and put his knee briefly on his back and his hand  
15 on his neck, on the back of his neck while Mr. Hall's lying  
16 face-down on the concrete.

17 There is no evidence Defendant Boone was compliant in  
18 acting against Mr. Hall in accordance with the despicable  
19 text messages. One jury tried Defendant Boone for the  
20 charges in this case and could not reach a verdict. A  
21 second jury tried defendant on the same charges and came  
22 back reporting they could not reach a verdict. Only after  
23 giving them further instructions and ordering them back to  
24 the jury room for deliberation, and after they deliberated,  
25 did the jury come back with a verdict of guilty.



1           The defendant will accordingly be sentenced for his  
2     role in the offense and not for any acts of others. A  
3     judgment imposed for the wrong reason is a failure of  
4     justice.

5           Under the Sentencing Reform -- strike that.

6           Under the Sentencing Reform Act of 1984, and  
7     provisions of 18 United States Code, Section 3553(a), it is  
8     the judgment of the Court that the defendant, Dustin Boone,  
9     is committed to the custody of the Bureau of Prisons to be  
10    imprisoned for 12 months and one day.

11          Upon release from imprisonment he shall be placed on  
12    supervised release for a term of three years. Within 72  
13    hours of release from the custody of the Bureau of Prisons  
14    he shall report in person to the probation office in which  
15    he is released.

16          It is further ordered, under 18 United States Code  
17    3663(a), he shall make restitution in the total amount of  
18    \$6,590.03. This obligation is joint and several with  
19    Randy Hays in this case, meaning that no further payments  
20    shall be required after the sum of the amounts actually paid  
21    by all defendants has fully covered the compensable  
22    injuries.

23          If such future additional defendants may be determined  
24    to be responsible for the same loss, that obligation shall  
25    be joint and several, meaning that no further payments shall

1 be required after the sum of the amounts actually paid by  
2 all defendants has been covered and the compensable  
3 injuries. Payments of restitution shall be made to the  
4 clerk of the court for transfer to the victims. The  
5 interest requirement for the restitution is waived.

6 You must not commit another federal, state, or local  
7 crime. You must not unlawfully possess a controlled -- take  
8 the -- Abby, take out the part about the controlled  
9 substances. There's nothing in his past that suggests that  
10 needs to be in there.

11 You must refrain from any -- and take out paragraph 3  
12 about unlawful use of controlled substances.

13 You must cooperate in the collection of DNA as  
14 directed by the probation office if collection of such  
15 sample is authorized under 34 United States Code 40702.

16 You must make restitution in accordance with 18 United  
17 States Code 2248, 2259, 2264, 2327, 2663(a), and 3664.

18 As part of your supervision, you must comply with the  
19 standard conditions of supervision that have been adopted by  
20 this Court. As part of your supervision you must comply  
21 with the following additional special conditions. If it is  
22 determined there are costs associated with any services  
23 provided, you shall pay those costs based on the co-payment  
24 fee established by the probation office. You must not use  
25 or possess any controlled substance -- take that part out

1 about controlled substances.

2 You must provide the probation officer with access to  
3 any requested financial information and authorize the  
4 release of any financial information. The probation office  
5 will share financial information with the United States  
6 Attorney's Office.

7 You must not incur new credit charges or open  
8 additional lines of credit without the approval of the  
9 probation officer. You must apply all monies received from  
10 any anticipated and unexpected financial gains, including  
11 tax refunds, inheritances, or judgments to the outstanding  
12 Court-ordered financial obligation. You must immediately  
13 notify the probation office of the receipt of any indicated  
14 monies.

15 You must submit your person, property, house,  
16 residence, office, papers, computers, other electronic  
17 communication or data storage device or media or office to a  
18 search or searches conducted by the probation office. You  
19 must warn any other occupants that the premises may be  
20 subject to searches under this condition.

21 The probation officer may conduct a search under this  
22 condition only when reasonable suspicion exists that you  
23 have violated a condition of supervision, and the areas to  
24 be searched contain evidence of this violation.

25 You have no ability to pay a fine. No fine is

1 imposed. You must pay a special assessment of \$100, which  
2 is due and payable immediately.

3 Any notice of appeal that you have a right to file  
4 must be filed within 14 days of this date. If you're unable  
5 to pay the cost of an appeal you may apply for leave to  
6 appeal in forma pauperis, and the clerk of the court shall  
7 assist you with those filings.

8 Anything further from the United States?

9 **MS. COSTANTIN:** No, Your Honor.

10 **THE COURT:** Anything from the defendant?

11 **MR. KUEHN:** Your Honor, just a few things. One, we  
12 would ask Mr. Boone be allowed to self-surrender.

13 **THE COURT:** Yes, that will be granted.

14 **MR. KUEHN:** And, also, there's a facility down in  
15 Pensacola, Florida that I know houses a lot of members of  
16 law enforcement. I've had prior clients that have been  
17 probation officers. I know of other police officers that  
18 have been housed there. I have a member of UNICOR, a prison  
19 worker, that's housed there. And we would ask for a  
20 recommendation to that facility, please.

21 **THE COURT:** All right. That will be granted. Did you  
22 get that, Abby?

23 If there's nothing further, Court's in recess.

24 **(Proceedings adjourned at 3:00 p.m.)**

25 \* \* \* \*

**REPORTER'S CERTIFICATE**

I, Laura A. Esposito, Registered Professional Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter for the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case, that said transcript contains pages 1 through 68, inclusive, and was delivered electronically. This reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 22nd day of November 2021.

*Laura A. Esposito*

Laura A. Esposito, RPR, CRR, CRC  
Official Court Reporter